

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

Claims 1, 5, 6, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Paleiov et al (US 6,560,32).

Consider claim 1. Darby teaches a handheld wireless device comprising:  
telephone (*Darby teaches the device incorporating mobile phone capabilities as described in paragraphs 10, 16 and 44*);

internet access (*Darby describes the internet capabilities of the device in paragraphs 10, 41, 44*); and

video (*Darby teaches the device having video capabilities as described in paragraph 31 and 44*);

wherein said device is connected to a host computer (*Note that, of course, Darby's internet connection would also involve connection to a host computer server. However, Darby's primary teaching is of the device connecting to a call center agent which can be implemented in computer software and displayed as a user selectable animation as described in paragraph 31*).

Note that Darby's device includes an earpiece (*Darby teaches a speaker earpiece in paragraph 15*) and display panel (*Darby teaches a touch sensitive display in paragraph 15*). Darby lacks a teaching of the display panel being customizable and the device including a stylus. In a similar application arrangement of providing an interactive display unit for telephone services, Paleiov teaches customizable keys (*Paleiov see especially the user display shown in figure 1, as item 38, Paleiov describes*

*the use of custom graphic keys in column 6, lines 15-20 and 55-65).* Paleiov notes that the custom display allows service providers to better construct the graphic applications, allowing for faster more efficient service with enhanced functionality (*Paleiov teaches the advantages of the custom graphic keys providing faster more efficient service with enhanced functionality on column 2, lines 26-45.*) It would have been obvious to one of ordinary skill in the art to modify Darby to provide customizable keys in order to allow the service provider to better construct the graphic applications allowing for faster more efficient service with enhanced functionality as taught by Paleiov. Darby lacks a teaching of the device including a stylus. Note that Paleiov also teaches use of a stylus (*Paleiov see especially column 6, lines 45-55*). It would have been obvious to one of ordinary skill in the art to modify Darby to use a stylus as taught by Paleiov in order to allow the users of the device to more easily pick out the touch sensitive keys.

Darby lacks a teaching of the device being waterproof. Irizarry teaches a waterproof case for a cellular telephone (*Irizarry shows the waterproof case in figure 4 and describes it in column 3, lines 15-65*). Irizarry teaches the case will prevent damage to the phone even during a drop into water (*Irizarry describes the advantages of the waterproof case on column 2, lines 1-25*). It would have been obvious to modify Darby to provide a waterproof case for the device in order to prevent water damage even if the device were dropped into water as taught by Irizarry. Note that a case that would prevent entry of liquid would also prevent sand particles from intruding into and damaging the device.

Note that Darby's device has stored in it numbers which would be of interest to a guest. Note that Darby's device is considered for use by hotels (*Darby describes it's use as a hotel room information appliance at the end of paragraph 31 and in paragraph 44. Darby teaches the pocket concierge being loaded with the internal phone directories in paragraph 45*). Darby lacks a teaching of the device being loaded with all numbers that would be of interest to a user. It would have been obvious to load the hotel directory with all numbers that would be of interest in order to increase the usefulness of the device for users.

Darby does not teach that the device has stored in it the guest service facility numbers. Darby teaches that their device can be used for hotel guest room information. It does not state that the device has a guest service facility numbers, which is specifically claimed in claim 1.

Paleiov describes a display on a telephone and a memory box. This is not the same as custom graphic keys or a customizable key pad. Further, Paleiov describes using a current telephone system. Further, the Examiner has not shown any reasoning to combine the above references. Therefore, claim 1 is not obvious over the prior art.

As to claim 5, Darby's pocket concierge device fits inside a person's pockets. (*Note that Darby's pocket concierge is implemented on a pocket pc as described in paragraphs 10 and 15. Note that of course, pocket PC's are designed to fit inside a person's pocket*).

For the reasons stated above for claim 1, claim 5 is not obvious over the prior art.

As to claim 6, Darby's device is password protected (*Darby describes the password protection feature in paragraph 27*).

Claim 6 has been cancelled.

As to claim 13, Darby's device can track a person's whereabouts who has possession of said device (*Darby describes the location tracking capability in paragraphs 27 and 33*).

For the reasons stated above for claim 1, claim 13 is not obvious over the prior art.

As to claim 14, Darby's host computer system provides feedback to a user, in response to requests for services. (*Darby's host computer system, i.e. the software implemented call center agent as described in paragraph 31, provides real time responses to a user as described in paragraph 32. Note that the user can also be provided direct sales service as described in paragraph 36*).

For the reasons stated above for claim 1, claim 14 is not obvious over the prior art.

As to claim 15, Darby's host computer system provides feedback to a host (*Darby's host computer system, i.e. the software implemented call center agent as described in paragraph 31, provides real time responses to a user as described in paragraph 32. Note that user feedback, i.e. the requests for information or direct sales transaction histories can be used by the host to provide follow on marketing as described in paragraphs 36 and 37. Note that the claimed "host" is analogous to Darby's serving call center or service providers*).

For the reasons stated above for claim 1, claim 15 is not obvious over the prior art.

As to claim 16, Darby's device provides real-time requests for services (*Darby's device can provide real time requests for information as described in paragraphs 31 and 32, and provides direct sales service as described in paragraph 36*).

For the reasons stated above for claim 1, claim 16 is not obvious over the prior art.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Paleiov and in view of Shaffer et al (US 6,377,798).

Consider claim 3, Darby in view of Paleiov lacks a teaching of the mobile telephone device including a pager. Shaffer teaches a mobile telephone including a pager (*Shaffer shows the combined pager and cellular phone in figure 2, and describes it in column 2, lines 58-65*). Shaffer teaches that pagers provide mobile communication at lower cost, while using less power than the mobile phone (*Shaffer column 1, lines 10-15*). It would have been obvious to modify the device of Darby in view of Paleiov to include a pager in order to provide mobile communication at lower cost and lower power consumption, as taught by Shaffer.

Although Shaffer teaches that pagers provide mobile communication at lower cost, there is no teaching in Darby or Paleiov that such communication is necessary or needed. There is no teaching to combine any of these references. Further, since Darby teaches both phone and internet services, if it required pager capability, it would have

been stated in the patent. For these reasons and the reasons stated above in claim 1, claim 3 is not obvious over the above prior art.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Paleiov and in view of Hase (US 2002/0183078).

Consider claim 7, Darby in view of Paleiov fails to teach the device wherein a user's room key functions as an access code to said device. Hase teaches a hand held communicator unit with a ID card functioning as an access code to the device. (*Hase shows the cardholder in figure 2, and in paragraph 36, describes the communication functions of the holder. In paragraph 33, Hase notes that the ID card could be a hotel guest's room key card. Hase describes the use of the ID or room key card to activate the communication device in paragraph 37*). It would have been obvious to modify Darby in view of Paleiov to include a storage area for a user's room key in order to provide the user with a place to keep their room key as well as the security of only allowing use with an appropriately coded ID or room card.

Hase teaches that id cards can be used in hotels as electronic keys for a guest room, to operate telephones in a guest room, or to make payments. Further, the id card can be used to perform communications. Neither Hase nor any of the other above references, alone or in combination, teach using the room key as an access code to the device of the present invention. Further, there is no reason to combine Hase, which relates to id cards, to be used in hotels with any of the above references. Therefore, claim 7 is not obvious over the above prior art.

Consider claim 8, Darby in view of Paleiov fails to teach the device comprising a storage area for a user's room key. Hase teaches a hand held communicator unit with a storage area for a room key card. (Hase shows the cardholder in figure 2, and in paragraph 36, describes the communication functions of the holder. In paragraph 33, Hase notes that the ID card could be a hotel guest's room key card). Hase also teaches that the ID card being held is used as the access code to use the wireless device (Hase describes the use of the ID or room key card to activate the communication device in paragraph 37). It would have been obvious to modify Darby in view of Paleiov to include a storage area for a user's room key in order to provide the user with a place to keep their room key while also providing the added security of only allowing use of the device with an appropriately coded ID or room card as taught by Hase.

Claim 8 specifically requires that the device itself have a storage area on it for placing a user's room key. None of the above references teaches that the device have a storage area at all, let alone a storage area for a room key. For these reasons and the reasons stated above for claim 1, claim 8 is not obvious over the prior art.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Paleiov and in view of Haraguchi et al (US 4,979,205).

Consider claim 9. Darby in view of Paleiov lacks a teaching of the device being rechargeable. Haraguchi teaches a well-known type of wireless telephone unit with a rechargeable battery (*Haraguchi shows the cordless unit as item 1 in figure 1 and 6, with the charger built into the base shown as item 2 in figures 1 and 6, and described the use in column 8, lines 53-59*). Haraguchi notes that use of a rechargeable battery

lowers the cost of operation over ordinary batteries (*Haraguchi describes the cost benefit of rechargeable batteries in column 8, lines 45-54*). It would have been obvious to modify the wireless telephone of Darby in view of Paleiov to use rechargeable batteries thereby lowering the cost of operation over ordinary replaceable batteries as taught by Haraguchi.

Haraguchi solely teaches a cordless phone having a rechargeable battery. Darby does not teach that there is an unsolved problem for having a rechargeable battery. Further, there is no teachings to combine the references. For this reasons and the reasons stated above for claim 1, claim 9 is not obvious over the prior art.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Paleiov and in view of Roeder (US 2002/0111176).

Consider claim 11, Darby in view of Paleiov lacks a teaching of transferring all calls of a guest from a room phone to said device. Roeder teaches the it is well known to transfer phone call from one phone to another such as a mobile phone (*Roder describes the well know call forwarding process in paragraph 3. Note that Roeder teaches that the stationary phone could be an internal PBX extension that had its calls forwarded to a mobile device in paragraph 59. Roeder notes that it is advantageous to transfer calls from a stationary phone to a mobile phone when a user is away from the stationary phone in paragraph 12.*). It would have been obvious to modify the arrangement of Darby in view of Paleiov to forward calls from a stationary phone, including an internal PBX extension, such as a hotel room phone to the mobile in order

to ensure that the user did not miss calls when they were away from the stationary phone as taught by Roeder.

Although Roeder teaches that it is known to transfer calls from a stationery phone to a mobile phone, the device of the present invention is not a stationery phone and therefore the teachings of Roeder when combined with Darby do not teach the claim of the present invention. Further, there is no teachings to combine the references as Darby does not state that there is a problem with his device not receiving the transfer of phone calls. For this reason and the reasons stated above, claim 11 is not obvious over the prior art.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Paleiov in view of Pepe et al (US 5,742,688).

Consider claim 12, Darby in view of Paleiov lacks a teaching of forwarding emails to the mobile device. Pepe teaches transferring emails from a user home account to a wireless device (*Pepe teaches forwarding of emails to the wireless device in column 23, lines 46-63. Pepe teaches that this is advantageous for users who need to receive emails on their wireless at a visiting location in column 3, lines 20-30*). It would have been obvious to modify Darby in view of Paleiov to forward emails to the mobile device in order to meet the needs of users who desire to receive emails on their mobiles as taught by Pepe.

Pepe teaches the permanent transfer of emails from a home account to a wireless device. The present invention only transfers these emails temporarily during

the persons stay at the hotel. For this reason and the reasons stated above for claim 1, claim 12 is not obvious over the prior art.

Applicant believes that the application is now in condition for allowance.

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March 7, 2007

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